

CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION**
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AMENDED OFFICIAL NOTIFICATION OF DECISION

February 20, 2019

PV Trails Albuquerque, LLC
303 Roma Avenue NW
Albuquerque, NM 87102

Project #2018-2018-001198
RZ-2018-00062 – Zone Map Amendment (Zone Change)
SI-2018-00283 – Site Plan - EPC

LEGAL DESCRIPTION:

The above action for all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails, Unit 3A, zoned R-1B and R-ML to R-ML and R-1B, located on Woodmont Ave. NW, between the Petroglyph National Monument and Paseo del Norte NW, containing approximately 20.5 acres. (C-8) Staff Planner: Cheryl Somerfeldt

PO Box 1293

On February 14, 2019 the Environmental Planning Commission (EPC) voted to APPROVE Project 2018-001198/RZ-2018-00062, a Zone Map Amendment (Zone Change) and SI-2018-00283, a Site Plan - EPC, based on the following findings and conditions:
Albuquerque

NM 87104 FINDINGS, Zoning Map Amendment (Zone Change)

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1. This is a request for a Zone Map Amendment (Zone Change) for all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails, Unit 3A located on Woodmont Avenue NW, between Paseo del Norte NW and Major Public Open Space and containing approximately 20.5 acres.
2. This is a request to re-zone 0.45 acres of Tract 1 from R-ML to R-1B, and to re-zone 0.58 acres of Tract 2 from R-1B to R-ML, to match the abutting zones. The existing plat does not align with the new east-west roadway (Girona Road NW). The requested zoning will coincide with the parcels to the north and south of the roadway.
3. In July of 2018, the EPC voted to recommend approval for a request to re-zone Tract 2 R-1D within 200 feet of Major Public Open Space and R-1B for the remainder of the tract. The case proceeded to City Council who voted to approve the zone change, and it was enacted November 30, 2018 (No. 0-2018-029).
4. The subject site is in an Area of Consistency of the Comprehensive Plan, within the Volcano Mesa Character Protection Overlay (CPO-12), and the Northwest Mesa View Preservation Overlay (VPO-2).

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5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is within an Area of Consistency as designated by the Comprehensive Plan and the following policies apply:
 - a) The request furthers Policy 5.2.1 because it will establish the boundaries for the R-1B zone to the south and the R-ML zone to the north to coincide with the expected right-of-way alignment for the new access road, thereby creating the potential for two different and distinct communities, single family to the north and multi-family to south. The request will permit a sustainable or long-term zoning to coincide with the roadway alignment and shape of the new parcels, which will avoid floating zone lines.
 - b) The request furthers Policy 5.2.1 k) because it will re-zone 0.45 acres to R-1B and 0.58 acres to R-ML, therefore the result is 0.13 acres more converting to R-ML, the multifamily zone, and therefore no increase in detached single-family residential uses on the West Side would occur.
 - c) The request furthers Policy 5.6.3 and 5.6.3 b) because the subject site is in an Area of Consistency and the request will ensure the proposed development reinforces the scale, intensity, and setbacks of the immediately surrounding context. The request is to re-zone the small remaining parcels of land after the alignment of the access road in order to maintain a cohesive zone for the larger abutting parcels.
 - d) The request furthers Policy 9.1.1 because it will align the remnant parcels' zoning with the abutting parcels, the larger tracts can be developed as a cohesive Site Plan under one zone. The resulting larger R-1B and R-ML zoned tracts will ensure sufficient supply and range of housing types that meet current and future needs at a variety of price levels.
 - e) The request furthers Policy 9.2.1 because it will encourage housing development that enhances neighborhood character and maintains surrounding land uses by re-zoning to housing densities that are similar to the surrounding zones. Since a currently vacant portion of R-ML will become R-1B and a currently vacant portion of R-1B will become R-ML, very little change will occur in proposed density.
7. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".
 - a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the policy analysis under the heading above.

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- b) The applicant demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different, because the applicant explained that the request will align the remnant parcel zoning with the abutting parcel's zones, therefore reinforcing the pattern of multi-family north of the local access road, south of Paseo del Norte, and single family south of the local access road. The applicant also demonstrates that the existing zoning is inappropriate because there has been a significant change in neighborhood or community conditions affecting the site, which is the new alignment of the local access road. The applicant states that the local access roadway was not aligned at the time zoning was established by the IDO. Since then, the roadway has been aligned which will create remnant areas and floating zone lines, which this zone change request would remedy if approved.
 - c) This criterion does not apply because the property is completely within an Area of Consistency.
 - d) The uses that are not permitted in the R-1B zone but are permitted in the R-ML zone are: Dwelling, townhouse, Dwelling, multi-family, Assisted living facility or nursing home, Community residential facility, medium, Elementary or middle school, Parks and open space. The applicant provided the table above, but did not include the multi-family use, which is the more likely use for the property. Given the 0.58 acre portion requested to be re-zoned R-ML will be adjacent to public right-of-way and surrounded by the R-ML zone, staff finds that the additional permissive uses would not be harmful to adjacent property, neighborhood, or the community.
 - e) The proposed zone change will not require major and unprogrammed capital expenditures by the City. The properties are in an area with adequate infrastructure, including roadways, water, sewer, and storm water facilities to serve the project. Any required extensions of these services will be the responsibility of the developer.
 - f) The property is not located on a major street and that is not the justification for this change.
 - g) The request is not based completely or predominantly on the cost of land or economic considerations because the applicant is interested in aligning the zoning of the remnant pieces created by the new local road alignment with the abutting zones and the request is furthering a preponderance of Comprehensive Plan policies regarding land use and housing.
 - h) The request will not apply a zone district different from surrounding zone districts to one small area of a premise, because the request is to align the zoning with the larger abutting parcel, thereby eliminating the remnant zoning.
8. The applicant contacted the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet of the property as required.
 9. A Facilitated Meeting occurred on February 1, 2019 where the desire for open space, limiting two-stories, wider streets, and native plants were expressed.
 10. The Planning Department has not received any public comments for this request.

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CONDITIONS OF APPROVAL, Zoning Map Amendment (Zone Change)

1. The applicant shall coordinate with the staff planner to ensure that all Conditions of Approval are met.
2. Re-plat of the site per the accompanying Site Plan – EPC (SI-2018-00283) to create lot lines that correspond to all Zone Boundaries.

FINDINGS, Site Plan – EPC

1. This is a request for a Site Plan - EPC for all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails, Unit 3A located on Woodmont Avenue NW, between Paseo del Norte NW and Major Public Open Space and containing approximately 20.5 acres.
2. This request is the Site Plan – EPC required to develop Tract 2, because the subject site is over 5 acres and adjacent to Major Public Open Space. The applicant wishes to re-plat the subject site into single-family lots per the underlying zone requirements. Compliance with IDO Section 5-2, Site Design and Sensitive Lands is required.
3. The subject site for the request, Tract 2, is currently zoned R-1D within 200 feet from Major Public Open Space and R-1B for the remainder, which both permit the proposed single-family use.
4. The rock outcropping area is considered a “private park” which is different from “on-site open space” and may remain in the proposed location.
5. The subject site is in an Area of Consistency of the Comprehensive Plan, within the Volcano Mesa Character Protection Overlay (CPO-12), and the Northwest Mesa View Preservation Overlay (VPO-2).
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is within an Area of Consistency as designated by the Comprehensive Plan and the following policies apply:
 - a) The request furthers Policy 5.6.3 b) because it will ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
 - b) The request furthers Policy 5.6.3 and 5.6.3 b) because the subject site is in an Area of Consistency and the request will ensure the proposed development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
 - c) The request furthers Policy 9.1.1 because it will align the remnant parcels’ zoning with the abutting parcels, the larger tracts can be developed as a cohesive Site Plan under one zone. The resulting larger R-1B and R-ML zoned tracts will ensure sufficient supply and range of housing types that meet current and future needs at a variety of price levels.

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- d) The request furthers Policy 9.2.1 because it will encourage housing development that enhances neighborhood character and maintains surrounding land uses by re-zoning to housing densities that are similar to the surrounding zones.
8. The Site Plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan and the IDO.
9. The applicant contacted the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet of the property as required.
10. A Facilitated Meeting occurred on February 1, 2019 where the desire for open space, limiting two-stories, wider streets, and native plants were expressed.
11. The Planning Department has not received any public comments for this request.
12. Applicable Comprehensive Plan policies are furthered by the zone change and site plan requests, and the site plan meets the majority of applicable IDO regulations.
13. This Site Plan may require a Variance - DRB to specific standards of 14-16-5-4(E)(3) for the area between Mataro and Tarragano Roads.
14. There is some concern regarding grading and drainage for the project, however, there has not been sufficient time to make all discoveries; therefore, staff recommends DRB review and approval of the site plan.

CONDITIONS OF APPROVAL, Site Plan - EPC

1. The applicant shall coordinate with the staff planner to ensure that all Conditions of Approval are met and then submit it to the DRB for final review and sign-off, including review and approval of technical issues/requirements.
2. The proposed lot layout shown on the site, including but not limited to Lot 32 and other nearby lots, shall be adjusted to ensure that all Zone Boundaries correspond to a lot line.
3. The Site Plan shall maintain a minimum 20-foot buffer from Major Public Open Space at the southwest corner of the development, where there is not a single-loaded street, per 14-16-5-2(H)(2)(a)1.
4. Submit evidence of delineation of the rock outcropping for the record to include the topographic survey, aerial photographs, and site visit photographs.
5. A note shall be added to the plan that states "Buildings shall comply with IDO Section 14-16-3-4(M) Volcano Mesa CPO-12 Development Standards regarding Façade Design, Building Design Standards, Residential Garage Access, and Residential Garage Design."

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6. **Conditions of Approval from other Departments and Agencies:**
 - **HYDROLOGY**
 - This Site Plan shall go to the DRB to verify that this development conforms to applicable drainage ordinances and DPM standards.
 - Prior to DRB approval of the Preliminary Plat and Site Plan a detailed G&D Plan must be submitted separately to the Hydrology Section of the Planning Department.
 - **TRANSPORTATION DEVELOPMENT**
 - Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB)
 - Infrastructure and/or ROW dedications may be required at DRB.
 - Signal improvements are required at the intersection of Woodmont and Paseo del Norte.
 - **SOLID WASTE MANAGEMENT DEPARTMENT**
 - Do not plant anything that will create an overhang for refuse truck access/exit-Sheet #2 (Landscape Plan).
 - **ABC WATER UTILITY AUTHORITY (ABCWUA)**
 - The property resides within pressure zone 5W. Currently, there is no infrastructure in place to serve Pressure Zone 5W. New metered water service to the property would most likely be provided contingent upon a developer funded project to construct major infrastructure to serve pressure Zone 5W including, but not limited to, reservoirs, pump stations and transmission lines. The developer will be responsible for a Water Authority approved Master Plan for Water and Sanitary Sewer which will identify the infrastructure needs to serve not only the subject development, but the entire Pressure Zone 5W. The Master Plan shall also identify the non-potable and sanitary sewer infrastructure needs. Water service will only be sold in conjunction with sanitary sewer service.
 - The proposed utility plan provided with the submittal indicates proposed extension of 4W infrastructure extended to service the site. The proposed extension of 4W infrastructure is prohibited as the subject development is within 5W.
 - Request for water service shall include a City Fire Marshal approved Fire 1 Plan, a zone map showing the site location, and proposed utility plan.
7. The Site Development Plan shall comply with all applicable Regulations of the IDO.
8. The applicant shall note the R-1D and R-1B zone boundaries on the Site Plan.

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 1, 2019**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6 of the IDO, Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,


David S. Campbell
Planning Director

DSC/CS

cc: PV Trails Albuquerque, LLC, 303 Roma Avenue NW, ABQ, NM 87102

Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102

Westside Coalition of Neigh. Assoc., Harry Hendriksen, 10592 Rio del Sol NW., ABQ, NM 87114

Westside Coalition of Neigh. Assoc., Rene Horvath, 5515 Palomino Dr., NW, ABQ, NM 87120

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